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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/622,154	07/17/2003	Herbert Blum	HARTING P202-17	1919
27667	7590	06/01/2006	EXAMINER	
HAYES, SOLOWAY P.C. 3450 E. SUNRISE DRIVE, SUITE 140 TUCSON, AZ 85718			SHAPIRO, JEFFERY A	
			ART UNIT	PAPER NUMBER
			3653	

DATE MAILED: 06/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/622,154	Applicant(s) BLUM, HERBERT	
	Examiner Jeffrey A. Shapiro	Art Unit 3653	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 March 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claim 12 is objected to because of the following informalities: It is suggested that In line 2, after the phrase "wherein a", insert "set of". Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 9-12, 16, 20-22 and 27 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

For example, Claim 9, describes a step of "generating a signal (F) that prevents operation of the vending machine for a duration (Tinop)..." However, in Claim 1, the step of generating (Tinop) has already been performed in the last two lines. There appears to be conflict between these two steps therefore making the dependent claims unclear. Similarly, Claims 4 and 20 are also conflicted. See also the other dependent claims mentioned above which are similarly unclear.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

5. Claims 1-13, 16-24 and 27 are rejected under 35 U.S.C. 102(e) as being anticipated by Ishida et al (US 6,601,686 B1). As described in **Claims 1 and 4**, Ishida discloses a method of preventing fraud in a vending machine, said vending machine having a coin processing unit (100), bill processing unit (200), merchandise conveyance unit (300), control unit (500), and serial communication cable (400) connecting the control unit to coin and bill units.

Ishida further describes determining the denominations of the coins or bills for each transaction until a specified credit valued is reached, counting the denominations in denomination counters, generating a signal when a predetermined limit of successive equivalent denominations are reached, passing the signal to a logic circuit, and activating a time element that at least partially prevents the operation of the vending machine for a duration. See col. 2, lines 25-44. Note that an "administrative value" is equivalent to Applicant's "predetermined limit of successive equivalent denominations". See also col. 5, lines 20-32 which mentions preventing operation of the machine if certain patterns of denominations are sensed.

As described in **Claims 2, 3 and 18**, Ishida at col. 5, lines 9-19 describe adjusting the "predetermined limit" by setting unit (112).

As described in Claims 6 and 17, see also col. 9, lines 49-53 which mentions prohibiting specific denominations.

Note that the time element described in **Claims 5, 7, 8 and 19**, is mentioned, for example, in Ishida at col. 5, lines 20-32. This time element can be considered to be described by a time function having parameters, the parameters including the number of repeated attempts where, for example, money is refunded again and again. See, for example, col. 9, lines 23-32. The more attempts tried, the more time is added to the predetermined time period. Also, See, for example, col. 8, lines 15-20, which indicates that in situations where fraudulent use is deemed to be extremely high, the procedure is terminated immediately. Note Ishida, Claims 2 and 3, which describe renewing the predetermined period of time for prohibition. See also col. 9, lines 57-64.

As described in **Claim 14**, see col. 11, lines 42-46, which describes notification upon a fraudulent attempt.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 9-13, 16, 20-23 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ishida. Ishida discloses the system described above. Ishida does

not expressly disclose the specific calculations in determining extending the time interval for fraud detection over two or more successive sales transactions.

However, per the discussion of Applicant's Claims 5, 7, 8 and 19 above, Ishida discloses, that the number of repeated attempts where, for example, money is refunded again and again is obtained. The more attempts tried, the more time is added to the predetermined time period. In situations where fraudulent use is deemed to be extremely high, the procedure is terminated immediately. Ishida also discloses renewing the predetermined period of time for prohibition. See also col. 9, lines 57-64.

At the time of the invention, it would have been obvious to one of ordinary skill in the art to have extended the fraud monitoring time period to include multiple serial sales transactions.

The suggestion/motivation to do so is that one ordinarily skilled would have been led by Ishida's teaching of both monitoring repeated coin insertions and extending the prohibition time based on repeated fraud attempts, to extend the fraud monitoring time to "consecutive purchases" or any other appropriate time period over which there is a high probability of fraud occurring. For example, see again col. 9, lines 23-32 and 49-64. See also col. 7, lines 43-59 which describes consecutive purchases being considered.

8. Claims 15, 25 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ishida in view of Fulcher et al (US 6,505,774 B1). Ishida discloses the system described above. Again, Ishida also discloses notification of a fraudulent attempt in col. 11, lines 42-46. Ishida does not expressly disclose, but Fulcher discloses transmitting

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said notification to a remote terminal by a modem as well as taking a photograph or video through camera (520). See col. 5, lines 5-15, col. 10, line 64-col. 11, line 34, col. 13, lines 34-51 and col. 22, lines 6-22. Said communication by modem can be construed as being performed by the equivalent of radio signals or wireless communication (GSM). Note also that col. 11, lines 28-31 describes interfacing with a telephone network.

At the time of the invention, it would have been obvious to one of ordinary skill in the art to have notified an attendant or computer system of a fraud attempt by telephone and taken a photograph or video of the perpetrator by a camera and associated communications equipment interfaced with Ishida's system.

The suggestion/motivation to do so is that one ordinarily skilled would have been led by Ishida's teaching of generating a notification of a fraud attempt by audio, to have incorporated the telephone modem and network as taught by Fulcher. Further, one ordinarily skilled would have been led by Fulcher's teaching of interfacing a camera in Fulcher's point of sale device, to take a perpetrator's picture so as to precipitate their apprehension.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey A. Shapiro whose telephone number is (571)272-6943. The examiner can normally be reached on Monday-Friday, 9:00 AM-5:00 PM.

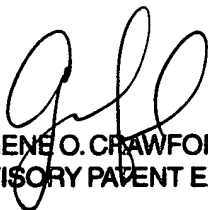
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gene O. Crawford can be reached on (571)272-6911. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



JAS

May 28, 2006



GENE O. CRAWFORD
SUPERVISORY PATENT EXAMINER